

(d) *Record* means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) *System of records* means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) *Statistical record* means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13 of the United States Code;

(g) *Routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected; and

(h) *Disclosure* means either the transmittal of a copy of a record or the granting of access to a record, by oral, written, electronic or mechanical communication.

§ 3b.3 Notice requirements.

(a) The Commission will publish at least annually in the FEDERAL REGISTER a notice identifying the systems of records currently maintained by the Commission. For each system of records, the notice will include the following information:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) The specific statutory provision or executive order, or rule or regulation issued pursuant thereto, authorizing the maintenance of the information contained in the system;

(5) Each routine use of the records contained in the system, including the

categories of users and the purposes of such use;

(6) The policies and practices regarding the storage, retrievability, access controls, and retention and disposal of the records;

(7) The title and business address of the Commission official who is responsible for the system of records;

(8) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(9) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

(10) The categories of sources of records in the system.

(b) At least thirty days prior to its operation, the Commission will publish in the FEDERAL REGISTER a notice of its intention to establish a new system of records reciting the information required pursuant to paragraphs (a) (1) through (10) of this section and notice of any major change to an existing system.

(c) The Commission will publish in the FEDERAL REGISTER a notice of its intention to establish any new or intended routine use of the information in an existing system of records at least thirty days prior to the disclosure of the record for that routine use. A new routine use is one which involves disclosure of records for a new purpose compatible with the purpose for which the record is maintained or which involves disclosure to a new recipient or category of recipients. At a minimum, the notice will contain the following information:

(1) The name of the system of records for which the routine use is to be established;

(2) The authority authorizing the maintenance of the information contained in the system;

(3) The categories of records maintained in the system;

(4) The proposed routine use(s);

(5) The categories of recipients for each proposed routine use; and

(6) Reference to the public notice in the FEDERAL REGISTER under which the

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existing system had already been published.

§ 3b.4 Government contractors.

Systems of records operated by a contractor, pursuant to a *contract*, on behalf of the Commission, which are designed to accomplish a Commission function, are considered, for the purposes of this part, to be maintained by the Commission. A *contract* covers any contract, written or oral, subject to the Federal Procurement Regulations. The contractual instrument will specify, to the extent consistent with the Commission's authority to require it, that the systems of records be maintained in accordance with the requirements of this part.

§ 3b.5 Legal guardians.

For the purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

Subpart B—Standards for Maintenance and Collection of Records

§ 3b.201 Content of records.

(a) All records which are maintained by the Commission in a system of records will contain only such information about an individual that is relevant and necessary to accomplish a purpose of the Commission as required to be accomplished by statute or by executive order of the President. Pursuant to § 3b.3(a)(4) of this part, the Commission will identify in the FEDERAL REGISTER the specific provisions in law which authorize it to maintain information in a system of records. In determining the *relevance* and *necessity* of records, the following considerations will govern:

(1) Whether each item of information relates to the purposes, in law, for which the system is maintained;

(2) The adverse consequences, if any, of not collecting the information;

(3) Whether the need for the information could be met through the maintenance

of the information in a non-individually identifiable form;

(4) Whether the information in the record is required to be collected on every individual who is the subject of a record in the system or whether a sampling procedure would suffice;

(5) The length of time it is necessary to retain the information;

(6) The financial cost of maintaining the record as compared to the adverse consequences of not maintaining it; and

(7) Whether the information, while generally relevant and necessary to accomplish a statutory purpose, is specifically relevant and necessary only in certain cases.

(b) All records which the Commission maintains in a system of records and which are used to make a determination about an individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. Where practicable, in questionable instances, reverification of pertinent information with the individual to whom the record pertains may be appropriate. In pursuit of *completeness* in the collection of information, the Commission will limit its records to those elements of information which clearly bear on the determination for which the records are intended to be used, assuring that all elements necessary to the determination are present before the determination is made.

(c) Prior to disseminating any records in a system of records, the Commission will make reasonable efforts to assure that such records are as accurate, relevant, timely, and complete as appropriate for the purposes for which they are collected and/or maintained, except when they are disclosed to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended, or to another agency.

(d) No records of the Commission in a system of records shall describe how any individual exercises his First Amendment rights unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement